

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Public Health, to whom was referred House Bill No. 127, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman

### Adjournment

Senator Moore moved the Senate adjourn until 10:30 o'clock a. m. Monday, April 16, 1945.

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Moore, yeas and nays were demanded.

The motion prevailed by the following vote:

### Yeas—14

Carney	Moffett
Chadick	Moore
Crawford	Ramsey
Graves	Shivers
Knight	Spears
Lane	Stanford
Lanning	Taylor

### Nays—12

Aikin	Morris
Brown	Stone
Hazlewood	Sulak
Jones	Vick
Martin	Weinert
Mauritz	York

### Absent

Parrish

### Absent—Excused

Bullock	Metcalf
Kelley	Winfield

The Senate, accordingly, at 3:35 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, April 16, 1945.

## FIFTY-EIGHTH DAY

(Monday, April 16, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was

called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 12, 1945, was dispensed with and the Journal approved.

### Leaves of Absence Granted

Senators Kelley, York and Moore were granted leaves of absence for today and Senator Metcalf was granted leave of absence for last Thursday afternoon on account of important business on motion of Senator Winfield.

### Reports of Standing Committees

Senator Chadick submitted the following report:

Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to which was referred H. B. No. 44, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHADICK, Chairman.

Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to which was referred H. B. No. 673, have had the same under consideration and I am instructed to report it back to

the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to which was referred to H. B. No. 674, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Senator Taylor, submitted the following report:

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Labor to whom was referred H. B. No. 12, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

TAYLOR, Chairman.

Senator Weinert submitted the following report:

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Oil, Gas & Conservation, to whom was referred S. B. No. 306 by Spears, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, but that the attached Committee Substitute and amendments thereto do pass in lieu thereof, and be printed.

WEINERT, Chairman.

Senator Graves submitted the following report:

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 502, have had same under consideration and report back with the recommendation that it do pass and be not printed.

GRAVES, Chairman.

## Senate Bill 320 on First Reading

The following emergency appropriation bill was introduced, read first time and referred to the Committee on Finance:

By Senator Lanning:

S. B. No. 320, A bill to be entitled "An Act fixing appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1945, and ending August 31, 1947, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a saving clause; and declaring an emergency."

## Senate Concurrent Resolution 28

Senator Moffett offered the following resolution:

S.C.R. No. 28, Relating to musters of A. & M. Ex-Students on San Jacinto Day.

Whereas, the ex-students of the Agricultural and Mechanical College of Texas, the oldest State institution of higher learning in Texas, have established a tradition of meeting together wherever they may be on April 21, each year in observance of the anniversary of the Battle of San Jacinto, and this year will hold such meetings in the form of Texas Aggie musters at more than six hundred places all over the world; and

Whereas, this tradition started on April 21, forty-two years ago, when the student body of the A. & M. College, according to records of the College, declared in a mass appeal to the governing authorities of the institution that they felt that April 21, San Jacinto Day, should be recognized as a holiday at said College, and this being denied, vowed that henceforth San Jacinto Day would be observed by both students and ex-students of said College, and this observance has been followed since April 21, 1903; and

Whereas, on April 21, 1942, twenty-

five A. & M. men mustered in the dim recesses of tragic Corregidor, in observance of the tradition in defiance of their enemies and with the certain knowledge that the end of resistance was near and that the fortress of Corregidor must soon fall, as it did fifteen days later, and the spirit and loyalty of those Aggies on Corregidor added a new luster and inspiration to this annual Texas Aggie San Jacinto Day muster tradition; and

Whereas, the records reveal that there are more than fifteen thousand ex-students of Texas Agricultural and Mechanical College serving in the Armed Services at this time, and of that number some twelve thousand are Commissioned Officers, twenty-eight of whom hold the rank of General and six of the twenty-eight are Major Generals.

Whereas, the ex-students of Texas A. & M. College are scheduled to hold on April 21, this year, more than six hundred observances with scores of them on the fighting fronts throughout the world, and pay homage to the friendliness and loyalty of Texas A. & M. men, to each other, to their State, and to their alma mater, and to pay homage to the memory and example set for us all at San Jacinto; now, therefore be it

Resolved, That the Senate of Texas the House of Representatives concurring, does hereby commend the A. & M. College of Texas, its governing authorities, faculty, students, and ex-students for the maintenance and observance of this custom which serves to keep alive and warm the best traditions of our people. And we further desire to commend the College and its ex-students for the outstanding part they have played in the prosecution of the world war in which we are engaged. And we express our hope that the spirit, loyalty, faithfulness and willingness to serve and to die in a just cause, so well exemplified by the Texans at San Jacinto, shall never be lost, and will always be remembered when groups of our citizens like the Texas Aggies observe so fittingly the anniversary of the Battle of San Jacinto.

MOFFETT  
METCALFE

The resolution was read.

By unanimous consent, the Senate considered the resolution immediately.

The resolution was adopted.

### Messages from the Governor

The President laid before the Senate, and directed the Secretary to read, the following messages from the Governor:

Austin, Texas,  
April 16, 1945.

To the Forty-ninth Legislature:

I am returning herewith Senate Bill No. 161 to the Senate without my approval. My objections to the bill arise from a belief that it is unconstitutional.

It is my opinion that this bill falls within the category of those usually referred to as bracket bills which have been repeatedly held by the courts to be violative of Constitutional provisions. Among other cases, Bexar County vs. Tynan, 97, S. W. (2nd) 467; Miller vs. El Paso County, 150 S. W. (2nd), 1000.

In the message which accompanied the return of House Bill No. 167 to the 48th Legislature, and which appears in Senate Journal, page No. 286, and House Journal, page No. 581, the objections to similar legislation and the authorities supporting them are more fully referred to. I know of no subsequent opinions which overrule or modify the decisions in the cases cited.

Sincerely believing the bill to be invalid, it becomes my duty to return it to the Senate without my approval.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

Austin, Texas,  
April 16, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Directors of the Agricultural and Mechanical College of Texas for a six year term to expire January 10, 1951:  
Henry Reese III of Gonzales, Gonzales County.

To be members of the State Board of Medical Examiners for six year terms to expire April 13, 1951:

Dr. Charles S. Carter of Bells, Grayson County.

Dr. T. J. Crowe of Dallas, Dallas County.

Dr. Everett W. Wilson of San Antonio, Bexar County.

Dr. J. T. Lawson of Bowie, Montague County.

To be Public Weigher in and for the City of Galveston for a two year term to expire April 13, 1947:

John Carl Schultz of Galveston, Galveston County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

Austin, Texas,  
April 16, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Civil Judicial Council:

To fill the unexpired term of Honorable A. H. Britain, resigned, term expiring July 1, 1949:

W. R. Walker of Cleburne, Johnson County.

To fill the unexpired term of Honorable Ira P. Hildebrand, deceased, term expiring July 1, 1947:

Thomas J. Pitts of Odessa, Ector County.

For six year term expiring July 1, 1951:

P. B. Randolph of Plainview, Hale County.

Major T. Bell of Beaumont, Jefferson County.

To be Ex Officio Members:

Judge W. N. Stokes of Amarillo, Potter County (Justice, Court of Civil Appeals.)

Judge Max M. Rogers of Huntsville, Walker County (Presiding Judge Judicial Administrative District.)

Judge L. Broeter of Alice, Jim Wells County (Presiding Judge Judicial Administrative District.)

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

The messages were read, and those submitting nominations were referred to the Committee on Nominations of the Governor.

#### House Concurrent Resolution Referred

The following resolution was laid before the Senate, read, and referred to committee indicated:

H. C. R. No. 41, To the Committee on Public Lands and Land Office.

#### Senate Bill 321 on First Reading

The following local bill was introduced, read first time and referred to the Committee on Highways and Motor Traffic:

By Senator Parrish:

S. B. No. 321, A bill to be entitled "An Act creating Road District No. 6 of Lamb County, Texas, under authority of Article 3, Section 52, of the Constitution of Texas, for the purpose of constructing, maintaining and operating macadamized, graveled or paved road and turnpikes, or in aid thereof; defining and setting out the boundaries of said Road District by metes and bounds; reciting that it comprises a portion of Road District No. 2 of Lamb County, Texas, which has outstanding bonds; declaring that it is not intended by the creation of Road District No. 6 of Lamb County, Texas, to interfere in any manner with the functioning of Road District No. 2 of Lamb County, Texas, requiring the commissioners court of Lamb County, Texas, to continue to levy, assess and collect an ad valorem tax upon the territory of Road District No. 2 for the payment of the principal and interest on the territory's proportionate part of the outstanding bonds of Road District No. 2; authorizing the issuance of bonds by the newly created Road District No. 6 in the manner provided by the general laws of Texas as in the case of ordinary road districts and in conformity with Article 3, Section 52, of the State Constitution, providing that the indebtedness for the purposes aforesaid shall never exceed the limit fixed by the Constitution and laws of this State; and declaring an emergency."

#### House Bill 804 Set as Special Order

Senator Spears moved that H. B. No. 804 be set as a special order for Wednesday, April 18, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—28

Aikin	Graves
Brown	Hazlewood
Bullock	Jones
Carney	Knight
Chadick	Lane
Crawford	Lanning

Martin	Spears
Mauritz	Stanford
Metcalf	Stone
Moffett	Sulak
Morris	Taylor
Parrish	Vick
Ramsey	Weinert
Shivers	Winfield

Absent—Excused

Kelley	York
Moore	

### House Bill 54 Set as Special Order (Senator Winfield in the Chair)

Senator Graves moved that H. B. No. 54 be set as a special order for Wednesday, April 18, 1945, immediately following the disposition of H. B. No. 804.

The motion prevailed by the following vote:

Yeas—28

Aikin	Metcalf
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield

Absent—Excused

Kelley	York
Moore	

### Motion to Set House Bill 48 as Special Order

Senator Moffett moved that H. B. No. 48 be set as a special order for Thursday, April 19, 1945, immediately following the disposition of H. B. No. 54.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Brown	Martin
Carney	Moffett
Chadick	Parrish
Crawford	Ramsey
Hazlewood	Shivers
Jones	Spears
Lane	Stanford

Stone	Winfield
Weinert	

Nays—9

Aikin	Mauritz
Bullock	Metcalf
Graves	Sulak
Knight	Taylor
Lanning	

Absent

Morris	Vick
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Absent—Excused

Kelley	York
Moore	

### Senate Bill 102 Set as Special Order

Senator Hazlewood moved that Senate Bill No. 102 be set as a special order for Monday, April 23, 1945, immediately following the morning call:

The motion prevailed by the following vote:

Yeas—20

Brown	Moffett
Chadick	Parrish
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Lanning	Taylor
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield

Nays—8

Aikin	Lane
Bullock	Morris
Carney	Ramsey
Knight	Sulak

Absent—Excused

Kelley	York
Moore	

### Night Session to Consider Local and Uncontested Bills

On motion of Senator Metcalf, the Senate agreed to hold a session at 7:30 o'clock p. m. Wednesday, April 25, 1945, to consider local and uncontested bills.

### House Joint Resolution 13 Set as Special Order

(President in the Chair)

Senator Vick moved that H. J. R. No. 13 be set as a special order for

Wednesday, April 18, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—23

Aikin	Metcalf
Brown	Moffett
Chadick	Morris
Crawford	Parrish
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Vick
Mauritz	

Nays—5

Bullock	Weinert
Carney	Winfield
Ramsey	

Absent—Excused

Kelley	York
Moore	

#### Senate Bill 269 Set as Special Order

Senator Stone moved that Senate Bill No. 269 be set as a special order for Tuesday, April 17, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—22

Aikin	Mauritz
Brown	Moffett
Carney	Morris
Chadick	Parrish
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Taylor
Lane	Vick
Martin	Winfield

Nays—5

Bullock	Sulak
Metcalf	Weinert
Ramsey	

Absent

Lanning

Absent—Excused

Kelley	York
Moore	

#### Motion to Set Senate Bill 11 as Special Order

Senator Winfield moved that Senate Bill No. 11 be set as a special order for Tuesday, April 24, 1945, immediately following the morning call.

The motion was lost by the following vote:

Yeas—13

Brown	Lanning
Carney	Martin
Chadick	Mauritz
Crawford	Metcalf
Hazlewood	Spears
Jones	Winfield
Lane	

Nays—14

Aikin	Ramsey
Bullock	Shivers
Graves	Stanford
Knight	Stone
Moffett	Sulak
Morris	Taylor
Parrish	Vick

Absent

Weinert

Absent—Excused

Kelley	York
Moore	

#### Senate Bill 228 Set as Special Order

Senator Sulak moved that Senate Bill No. 228 be set as a special order for Monday, April 23, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	

Nays—1

Bullock

Absent—Excused

Kelley	York
Moore	

### Motion to Set House Bill 48 as Special Order

Senator Moffett moved that House Bill No. 48 be set as a special order for Thursday, April 19, 1945, immediately following the morning call.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

#### Yeas—16

Carney	Morris
Chadick	Parrish
Crawford	Shivers
Hazlewood	Spears
Jones	Stanford
Lane	Stone
Martin	Taylor
Moffett	Weinert

#### Nays—11

Aikin	Metcalf
Brown	Ramsey
Bullock	Sulak
Graves	Vick
Lanning	Winfield
Mauritz	

#### Absent

Knight

#### Absent—Excused

Kelley	York
Moore	

### Senate Bill 75 With House Amendments

Senator Metcalfe called S. B. No. 75 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Metcalfe, the Senate concurred in the House amendments.

#### Recess

On motion of Senator Graves, the Senate, at 12:00 o'clock m., took recess to 2:30 o'clock p. m., today.

#### Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President.

### Senate Bill 33 on Third Reading

The President laid before the Sen-

ate as a special order for this hour, on its third reading and final passage:

S. B. No. 33, A bill to be entitled "An Act relating to appeals from rules, orders, or decisions of administrative bodies; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read third time and was passed by the following vote:

#### Yeas—16

Aikin	Parrish
Bullock	Ramsey
Carney	Shivers
Crawford	Stanford
Graves	Stone
Hazlewood	Vick
Lanning	Weinert
Martin	Winfield

#### Nays—12

Brown	Metcalf
Chadick	Moffett
Jones	Morris
Knight	Spears
Lane	Sulak
Mauritz	Taylor

#### Absent—Excused

Kelley	York
Moore	

### Reasons for Vote on Senate Bill 33

The following letter from Mr Frederick Stevens, Regional Attorney of the Federal Security Agency, Washington, D. C., recites portions of the Federal Social Security Act, and plainly concludes that if Senate Bill No. 33 is passed it will endanger the payment of Federal Funds to the State of Texas for Old Age Assistance and also for Unemployment Compensation and other purposes. This letter was read before the Senate by Senator Spears during the debate on second reading of Senate Bill 33. It definitely affected the voting and is quoted here so that the record will show at least a part of the reason for the vote cast by the undersigned in connection with Senate Bill 33.

MOFFETT.

### FEDERAL SECURITY AGENCY WASHINGTON

912 Maverick Building  
San Antonio 5, Texas  
March 10, 1945.

Office of  
THE ADMINISTRATOR  
General Counsel

Senator J. Franklin Spears,  
Capitol Station, Austin, Texas.  
Dear Franklin:

As requested by you I am giving you my opinion as to the effect of Senate Bill No. 33, if passed in its present form, upon certain State agencies which are supported in part by grants of Federal funds.

Section 2(a)(3) of the Social Security Act provides that:

"A State plan for old-age assistance must . . . (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan."

Section 2(a)(4) of said Act provides:

"A State plan for old-age assistance must . . . (4) provide for the granting to any individual, whose claim for old-age assistance is denied, an opportunity for a fair hearing before such State agency."

It is our opinion that a de novo proceeding by the courts is not consistent with the maintenance of the administrative responsibility of the agency within the single-State-agency principle. Under the present law the function of the court is limited to a corrective review and is confined to the administrative record. The court action is limited to a remand of the case to the agency for action not inconsistent with the legal principles enunciated by the court.

In other words, assistance should never be paid pursuant to a court order, but to an administrative order or award made by the Department of Public Welfare.

We believe that the unlimited right and duty of the court under the proposed law, to establish factual records and to proceed thereon independently of facts and circumstances established by an administrative investigation, and through the agency's legally established fair hearing procedures, would necessarily involve the court in an administration of the old age assistance program contrary to the express provisions of the Social Security Act, especially the aforesaid Sections 2(a)(3) and 2(a)(4) of Title I of the Act.

If this bill is passed in its present form it would render the State plan

out of conformity with the Federal Act and in our opinion would endanger the receipt of Federal funds.

We believe the bill is also objectionable insofar as it would relate to the administration of the unemployment compensation law by the State Unemployment Commission.

It is therefore suggested that the bill be amended so as to exempt the State Department of Public Welfare and the State Unemployment Compensation Commission from the operation thereof.

Sincerely yours,  
FREDERICK STEVENS,  
Regional Attorney.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolutions:

S. B. No. 213, "An Act to authorize guardians of the estate of minors and other persons, appointed under the laws of this State, to enter into pooling or unitization agreements covering the interest of their wards in the gas and gas rights in any lands which are subject to gas leases or oil, gas and mineral leases heretofore or hereafter made an entered into, so as to pool or unitize such gas and gas rights with similar rights under other lands and prescribing the manner in which said pooling or unitization agreements shall be made, and declaring an emergency."

S. B. No. 200, "An Act fixing the maximum rate of tax to be levied for school purposes in all independent school districts whether organized under general or special laws, and which, according to the last preceding approved original Scholastic Census had a scholastic population of not less than twelve hundred and fifty (1,250) and not more than three thousand (3,000) scholastics, and located in counties with a population of not less than ten thousand (10,000) and not more than twenty thousand (20,000) inhabitants according to the last preceding Federal Census, and in all independent county unit school districts in counties with a population of not less than one thousand (1,000) and not more than two thousand (2,000) inhabitants according to the last preceding Federal Census; repealing all laws and parts of laws



in conflict herewith; and declaring an emergency."

S. C. R. No. 27, Relating to accomplishments of the Texas Cotton Research Committee.

S. C. R. No. 11, Relating to the transfer of Fort Ringgold and Fort Clark to the State of Texas.

#### Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 718, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 320, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 321, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

METCALFE, Chairman.

Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Towns and City Corporations, to whom was referred H. B. No. 170, have had same

under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

KNIGHT, Chairman.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 79, A bill to be entitled "An Act to abolish the Seventy-seventh Judicial District and the District Court thereof; providing for the transfer of its cases to the District Court of the Eighty-seventh Judicial District; and making bonds recognizances and write and processes issued out of the District Court of the Seventy-seventh Judicial District returnable to the District Court of the Eighty-seventh Judicial District; providing for the approval of statements of fact, bills of exceptions and the making of any other order necessary in cases tried in said District Court of the Seventy-seventh Judicial District and appealed; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Bill 96 on Second Reading

The President laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 96, A bill to be entitled "An Act providing a tax receipt regularly issued by a person authorized to do so shall be admitted in evidence in any Court action wherein payment of the tax receipted for is at issue and shall constitute a full defense to any action to collect such tax, and declaring an emergency."

The bill was read second time.

Senator Stone offered the following amendment to the bill:

Amend S. B. No. 96, by adding new sections to be properly numbered, following the last word in Section 1 as amended, and re-numbering Sections 2 and 3 of the printed bill, as follows:

"Section 2. Hereafter the tax collector, and assessor or his deputy, of any county or of any city or political subdivision, or tax assessing district within any such county, shall apply any payment made to him for taxes on any property, real, personal or mixed, first to the oldest item of unpaid taxes owing on said property, plus the interest and penalty accrued thereon before applying such payments to any current taxes on such property and said tax collector or his deputy shall not accept monies for current taxes on any property nor issue a receipt for current taxes until all unpaid taxes for previous years on said property, plus the interest and penalties thereon have been paid in full. Any receipt hereafter issued by such tax collector or his deputy for any specific year as to any property, real, personal or mixed, shall be conclusive proof of the payment in full of taxes on the property covered by such receipt for the year for which it was issued and for all years prior to the year or years covered by such receipt. Such receipt shall have the effect of a certificate that all taxes on such property for all years prior to the year or years covered by said receipt have been paid and shall be admitted in evidence in any court wherein payment for the tax receipted for, or the payment of the taxes for prior years on said property is in issue and shall constitute a full defense to any action to collect such taxes receipted for or for such prior years.

"Section 3. If any such receipt is issued or secured through fraud or collusion, the same shall be void and of no force and effect and any tax collector or his deputy shall be liable upon his official bond for any loss resulting to any such county or city of political subdivision or tax assessing district or the State of Texas through the fraudulent or collusive or negligent issuance of any such receipt.

"Section 4. This act shall be effective on and after January 1, 1948, and the tax receipts herein provided for shall not be a defense nor purport the payment of any tax accrued, due or delinquent prior to such date."

(Senator Sulak in the Chair)

Yeas and nays were demanded, and the amendment was lost by the following vote:

#### Yeas—14

Bullock	Martin
Carney	Morris
Chadick	Shivers
Crawford	Stone
Graves	Sulak
Jones	Taylor
Knight	Weinert

#### Nays—14

Aikin	Moffett
Brown	Parrish
Hazlewood	Ramsey
Lane	Spears
Lanning	Stanford
Mauritz	Vick
Metcalfe	Winfield

#### Absent—Excused

Kelley	York
Moore	

Senator Chadick offered the following amendment to the bill:

Amend S. B. No. 96 by adding, following the period at the end of line 15, page 1, of the printed bill, the following:

"Provided, however, if the receipt is given in exchange for anything except lawful money and such fact is noted on the receipt, such receipt shall not be conclusive nor constitute a defense to an action to collect such tax."

The amendment was adopted by the following vote:

#### Yeas—20

Aikin	Lanning
Bullock	Metcalfe
Carney	Moffett
Chadick	Morris
Crawford	Stone
Graves	Sulak
Hazlewood	Taylor
Jones	Vick
Knight	Weinert
Lane	Winfield

#### Nays—7

Brown	Shivers
Martin	Spears
Parrish	Stanford
Ramsey	

#### Absent

Mauritz

#### Absent—Excused

Kelley	York
Moore	

Senator Vick offered the following amendment to the bill:

Amend S. B. No. 96 at the end of Sec. I:

"providing that the provisions of this law shall not apply where a tax receipt has been issued through mistake on property for which it was not intended to be issued."

(President in the Chair)

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 96 by adding at the end of Sec. 1 the following:

"provided that if such receipt is secured through fraud or collusion or intentional mistake, the same shall be void and of no force and effect."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend S. B. No. 96 as amended by the Chadick amendment by adding at the end thereof the following:

"But provided further that in every instance where a tax certificate has been duly and regularly issued without fraud showing the payment of taxes regardless of the manner of payment, and where the property described in such tax certificate has been thereafter transferred to an innocent, bona fide purchaser for value, then such tax certificate shall be conclusive evidence of payment as to such innocent, bona fide purchaser or purchasers for value."

(Pending consideration of the amendment by Senator Hazlewood, Senator Mauritz occupied the Chair temporarily.)

(President in the Chair)

Senator Brown moved to table the bill.

Senator Metcalfe raised a point of order against the motion to table the bill on the ground that a motion to amend is pending, and that a motion to amend takes precedence over a motion to table.

The Chair sustained the point of order.

Question recurring on the amendment by Senator Hazlewood, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—23

Aikin	Metcalfe
Brown	Moffett
Carney	Morris
Chadick	Parrish
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lanning	Weinert
Martin	Winfield
Mauritz	

Nays—3

Bullock	Vick
Ramsey	

Absent

Lane	Taylor
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Absent—Excused

Kelley	York
Moore	

Senator Brown moved to table the bill.

The motion to table was lost by the following vote:

Yeas—6

Brown	Stanford
Ramsey	Taylor
Spears	Weinert

Nays—21

Aikin	Mauritz
Bullock	Metcalfe
Carney	Moffett
Chadick	Morris
Crawford	Parrish
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Knight	Vick
Lanning	Winfield
Martin	

Absent

Lane	
Kelley	York
Moore	

Absent—Excused

On motion of Senator Spears, the bill then was laid on the table subject to call.

Committee Substitute Senate Bill 67  
on Second Reading

On motion of Senator Lanning and

by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to engrossment:

C. S. S. B. No. 67, A bill to be entitled "An Act providing for the regulating appropriations for moneys in the State Treasury not otherwise appropriated to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas as named in this Act; providing all funds allocated under the provisions of this Act with the exception of those necessary for paying the costs of audits as provided herein shall be used exclusively for the purpose of paying salaries of the instructional forces of the several institutions; providing for an annual appropriation of Three Hundred Forty-three Thousand and Eight Hundred Dollars (\$343,800.00) for each of the fiscal years beginning September 1, 1945, and September 1, 1946, respectively, and for allocation thereof; determining the eligibility of a Public Junior College and providing for collection of certain fees from students; defining the term "full-time student" and excepting certain students; providing for disposition of unused funds; providing no funds shall be paid to any institution under the provisions of this Act until payment has been approved by the State Auditor after he has audited the books and providing the cost of auditing the books for the institution shall be paid out of the funds allocated herein; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Committee Substitute Senate Bill 67 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 67 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Chadick
Brown	Crawford
Bullock	Graves
Carney	Hazlewood

Jones	Ramsey
Knight	Shivers
Lane	Spears
Lanning	Stanford
Martin	Stone
Mauritz	Sulak
Metcalf	Taylor
Moffett	Vick
Morris	Weinert
Parrish	Winfield

Absent—Excused

Kelley	York
Moore	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 546, A bill to be entitled "An Act to prevent discrimination against the employment of war veterans as a result of physical disability or handicap; defining the term "discriminate"; defining the term "was veteran"; protecting the status of "Seniority Right"; designating to whom the Act applies; providing for penalties by civil procedure; providing enforcement by civil procedure, and designating the officers whose duty it is to enforce this Act; providing for the repeal of existing statutes or laws; providing a saving clause; and declaring an emergency."

H. B. No. 558, A bill to be entitled "An Act providing for the sale by the Texas Prison Board to the City of Huntsville, Texas, of 630 acres of land, part of the Warren Birdsell League, Abstract No. 6, in Walker County, Texas, at private sale for cash; regulating the manner and terms of the sale, authorizing and empowering the Texas Prison Board to make the sale and authorizing the Chairman or Vice Chairman to execute the deed of conveyance to be attested by the Secretary of the Board and its official seal impressed thereon; and declaring an emergency."

H. B. No. 238, To amend Article 2687 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 82, A bill to be entitled "An Act to protect the public health by the regulation of the practice of Naturopathy; to create a Naturopathic Examining Board; to adopt rules and regulations; defining the practice of Naturopathy; to provide for Naturopathic licenses in conformity with the approved definition of Naturopathy; for the registration and cancellation of licenses; and for reciprocity; to provide for the enforcement of this Act, and penalties for the violation of this Act; and injunction to provide for educational standards; amending Article 4477, Revised Civil Statutes; to repeal all laws in conflict with this Act; and declaring an emergency."

(With engrossed rider.)

H. B. No. 408, A bill to be entitled "An Act to aid the town of Freeport, Texas, in raising, strengthening and extending existing seawalls and breakwaters now partially protecting said town from calamitous overflow, and in constructing additional seawalls and breakwaters both within and without the corporate limits of said Town of Freeport for the further protection thereof, by donating and granting to said Town of Freeport for a period of twenty (20) years commencing September 1, 1945, and ending August 31, 1965, the State General Fund ad valorem taxes collected upon property real and personal (including rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law) within the defined limits of Road District No. 8, boundaries of which appear in Volume K, page 577, Minutes of the Commissioners' Court of Brazoria County, Texas; Road District No. 9, the boundaries of which appear in Volume L, page 101, Minutes of the Commissioners' Court of Brazoria County."

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 79, to Committee on Judicial Districts.

H. B. No. 238, to Committee on Education.

H. B. No. 546, to Committee on Veterans Affairs.

H. B. No. 558, to Committee on Penitentiaries.

H. B. No. 82, to Committee on Public Health.

H. B. No. 408, to Committee on State Affairs.

#### Executive Session

On motion of Senator Winfield, and by unanimous consent, the Senate, at 4:45 o'clock p. m., went into executive session.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session, and to close all doors leading from the Senate Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the following report had been adopted by the Senate:

Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Nominations of the Governor to whom was referred the following nominations:

To be members of the Board of Veterinary Medical Examiners for two year terms to expire January 17, 1947:

A. C. Burns of Cleburne, Johnson County.

J. K. Northway of Kingsville, Kleberg County.

C. W. Neal of San Antonio, Bexar County.

Dr. N. A. Cox of Lubbock, Lubbock County.

J. W. Barton of Temple, Bell County.

Charles Koberg of San Angelo, Tom Green County.

H. K. Maier of Beaumont, Jefferson County.

To be a member of the Finance Commission for a six year term to expire February 1, 1951:

M. M. Galloway of West Columbia, Brazoria County.

To be a member of the Board of Directors of the Agricultural and Mechanical College of Texas for a six year term to expire January 10, 1951:

Henry Reese III of Gonzales, Gonzales County.

To be a member of the State Board of Medical Examiners for six year terms to expire April 13, 1951:

Dr. Charles S. Carter of Bells, Grayson County.

Dr. T. J. Crowe of Dallas, Dallas County.

Dr. Everett W. Wilson of San Antonio, Bexar County.

Dr. J. T. Lawson of Bowie, Montague County.

To be Public Weigher in and for the City of Galveston for a two year term to expire April 13, 1947:

John Carl Schultz of Galveston, Galveston County.

To be Public Weigher in and for Lubbock County for a two year term to expire April 12, 1947:

W. R. Milroy of Lubbock County.

To be Public Weigher in and for the City of Corpus Christi, Nueces County, for a two year term to expire April 10, 1947:

Frank W. Crook of Corpus Christi, Nueces County.

To be Public Weigher in and for Tarrant County for a two year term to expire April 18, 1947:

Ben T. Newby of Fort Worth, Tarrant County.

To be Public Weigher in and for Harris County for a two year term to expire April 10, 1947:

H. C. Hix of Houston, Harris County.

To be Branch Pilot for the Nueces County Navigation District for a two year term to expire April 10, 1947:

Carl Joseph Bromley of Nueces County.

To be Presiding Judges of the Administrative Judicial Districts:

District No. 2, Judge Max M. Rogers of Huntsville, Walker County.

District No. 3, Judge Roy C. Archer of Austin, Travis County.

District No. 5, Judge L. Broeter of Alice, Jim Well County.

District No. 6, Judge Ballard Caldwell of El Paso, El Paso County.

Distirct No. 7, Judge O. L. Parish of Ballinger, Runnels County.

District No. 8, Judge George D. Davenport of Eastland County.

To be Commissioner to the National Conference of Commissioners on Uniform State Laws to fill the unexpired term of Honorable E. E. Murphy, resigned, term to expire July 7, 1945:

Honorable L. Hamilton Lowe of Edinburg, Hidalgo County.

To be members of the Texas Civil Judicial Council:

To fill the unexpired term of Honorable A. H. Britain, resigned, term expiring July 1, 1949:

W. R. Walker of Cleburne, Johnson County.

To fill the unexpired term of Honorable Ira P. Hildebrand, deceased, term expiring July 1, 1947:

Thomas J. Pitts of Odessa, Ector County.

For six year terms expiring July 1, 1951:

P. B. Randolph of Plainview, Hale County.

Major T. Bell of Beaumont, Jefferson County.

To be Ex Officio Members:

Judge W. N. Stokes of Amarillo, Potter County (Justice, Court of Civil Appeals.)

Judge Max M. Rogers of Huntsville, Walker County (Presiding Judge Judicial Administrative District.)

Judge L. Broeter of Alice, Jim Wells County (Presiding Judge Judicial Administrative District.)

Have had the same under consideration, and do recommend that they be in all things confirmed.

WINFIELD, Chairman.

#### In Legislative Session

The President called the Senate to order as in legislative session at 5:55 o'clock p. m.

#### Adjournment

On motion of Senator Spears, the Senate, at 6:00 o'clock p. m., adjourned until 11:00 o'clock a. m. tomorrow.

#### APPENDIX

##### Communication

Hon. John Lee Smith, President of the Senate.

Austin, Texas.

My dear Sir:

As an elder sister of George Purl, I beg to respectfully express to the House of Representatives and the Senate of the Texas Legislature my sincere thanks for their action in passing House Concurrent Resolution No. 22, expressing the sympathy of the members with the family of George C. Purl, who passed away September 22, 1943. This action is deeply appreciated.

Sincerely,

(Signed) Mrs. R. E. VanHorn.

Mrs. R. E. VanHorn (nee May Purl)  
5359 Goodwin Avenue.

**In Memory of**  
**Mr. B. G. Appleton**

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Senator Winfield offered the following resolution:

(Senate Resolution 60)

Whereas, On the 10th day of April, 1945, our Almighty God called from his earthly existence Mr. B. G. Appleton, El Paso, Texas; and

Whereas, Mr. Appleton, a brother of Mrs. Pat M. Bullock, was born at Mansfield, Texas, in 1890; was a school teacher of the schools of this State; was a graduate of Texas Christian University; and was a successful druggist and business man in this State; and

Whereas, In his passing the State has lost a highly esteemed and useful citizen; and

Whereas, It is the desire of the Senate of Texas to recognize and pay tribute to Mr. B. G. Appleton and to express sympathy to his family; now, therefore, be it

Resolved by the Senate of Texas, That a copy of this resolution be sent to the members of his family.

WINFIELD  
MARTIN

Signed—John Lee Smith, Lieutenant Governor; Senators, Aikin, Brown, Bullock, Carney, Chadick, Crawford, Graves, Hazlewood, Jones, Kelley, Knight, Lane, Lanning, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Parrish, Ramsey, Shivers, Spears, Stanford, Stone, Sulak, Taylor, Vick, Weinert, Winfield and York.

The resolution was read.

On motion of Senator Jones, the names of the Lieutenant Governor and all members of the Senate were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of

**Franklin Delano Roosevelt**

---

Senator Aikin offered the following resolution:

(Senate Resolution 61)

Whereas, On the afternoon of the twelfth day of April, 1945, a war torn and war stricken world learned with tragic suddenness of the untimely death of Franklin Delano Roosevelt, President of the United States and Commander-in-Chief of the Armed Forces of this Nation; and

Whereas, This Nation and the world have lost one of its greatest leaders of all time, who had gained the respect and love of all liberty-loving people of the world by his forthright and successful championship of the cause of the weak against the strong; and

Whereas, The heads of freedom-loving men and women everywhere are bowed in grief and sorrow over the loss of a leader who had unselfishly devoted his health and his life to their cause; and

Whereas, As President of this great Democracy and with the immortal declaration, that:

"There is nothing to fear but fear itself,"

and with a steady heart through defeat, opposition and victory he led this country through its most severe economic crisis and reestablished American faith in the future; and

Whereas, Franklin Delano Roosevelt has passed from his earthly labors, yet his memory will linger long while his engaging and aggressive spirit will bless generations yet unborn not only in his own country, but of all the peoples of all the lands of the earth; and

Whereas, Great men are not accidents but God takes the shuttle in His Own plastic hand, sends it through the loom of time, and in the warp and woof of mystery and fate is left a golden thread to the memory of the man destined to leave his impress on the age in which he lived. This leads us to the thought that God alone makes the great man—makes him great in the age in which he lives, and great in the generations which follow him. All history justifies and sustains this thought; and

Whereas, Such a man was Franklin Delano Roosevelt. Panoplied in piety, truth, integrity, and courage, and moved by a love for his fellow-man he grew in stature as he grew in age until it could have been asked of him:

"In what place, in what region of the earth was not found the fulness of his labors?"; and

Whereas, To undertake to catalogue his achievements would be to limit them. To undertake to recall and recount his benefactions to man would be to weary us with a list so long and to leave many untold; and

Whereas, He not only gladdened the hearts of his own people but renewed and stimulated the hope of the oppressed in other lands as



they lifted their tear-stained faces to God and the stars and prayed that they might be free. History will properly evaluate Franklin Delano Roosevelt's name, for in his efforts and accomplishments in behalf of his fellow-man he builded to himself in the hearts of men a monument more lasting than brass and more enduring than the chiseled pyramids of Egypt; and

Whereas, When the electrical impulses flashed the message of the death of Franklin Delano Roosevelt and sent it around the earth, there was felt the sigh of grief in the hearts of good men everywhere while the tears of sorrow glistened on the cheeks of people in far off and strange lands; and

Whereas, We realize that we must yield to the inscrutable ways of Providence and bow to the will of Him who doeth all things well; and

Whereas, From the trials and exhausting work and study and the conferences at Washington and on the North Atlantic and at Casa Blanca, and Quebec, and Teheran and Yalta came the frame work of an international organization which represents the hopes and yearnings of all men for peaceful and sensible international relations throughout the world in governmental, economical and social affairs. Not only our people but the official life of all Allied Nations were leaning heavily upon his storehouse of information and experience and his sense of fair play to bring to a successful culmination this greatest life work and because of these facts his sudden death at this time is tragic and inopportune; and

Whereas, The Honorable Myron G. Blalock, for many years Democratic National Committeeman for the State of Texas, is present in the Capitol Building, and is prepared to deliver at this time a memorial address in memory of our departed and beloved President Franklin Delano Roosevelt; now, therefore be it

Resolved; By the Senate of Texas that in the death of Franklin Delano Roosevelt this Nation has lost a great President; its people a kind, vigilant, diligent and fearless friend, while the whole world has lost a great champion of human liberty; and be it further

Resolved, That we, the members of the Senate of Texas, do hereby express our deepest sympathy to the members of his family, and when the Senate adjourns today, it do so out of respect to the memory of our great leader, Franklin Delano Roosevelt, deceased President of the United States; and be it further

Resolved, That the Honorable Myron G. Blalock be invited to deliver a memorial address to the Senate in memory of our great leader, Franklin Delano Roosevelt, and at the conclusion of the address our Chaplain be asked to offer a special prayer; and be it further

Resolved, That the Secretary of the Senate be instructed to forward copies of this resolution to Mrs. Franklin Delano Roosevelt, the widow of our deceased President, the President Pro Tempore of the United States Senate, and the Speaker of the House of Representatives.

AIKIN  
SPEARS  
MAURITZ  
GRAVES  
MOFFETT  
CRAWFORD  
BROWN  
STONE  
WINFIELD  
TAYLOR  
SHIVERS  
METCALFE  
CARNEY  
BULLOCK  
LANE  
CHADICK  
MORRIS  
VICK

Signed—John Lee Smith, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Crawford, Graves, Hazlewood, Jones, Kelley, Knight, Lane, Lanning, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Parrish, Ramsey, Shivers, Spears, Stanford, Stone, Sulak, Taylor, Vick, Weinert, Winfield and York.

The resolution was read.

On motion of Senator Mauritz, and by unanimous consent, the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously by a rising vote of the Senate.

In accordance with the provisions of the resolution, the President appointed Senators Spears and Aikin to escort Honorable Myron G. Blalock to the bar of the Senate.

The President presented Senator Spears, who presented Honorable Myron G. Blalock to the Senate.

Mr. Blalock then delivered the following address in tribute to the memory of Franklin Delano Roosevelt:

On a beautiful Sunday afternoon in late November, 1941, I stood on Constitution Avenue in our National Capitol admiring with patriotic zeal its long row of great government buildings with its vista of majestic monuments to George Washington and Thomas Jefferson and Abraham Lincoln in the distance, when I noticed inscribed upon the stone face of the Archives Building, against which I was leaning, these words: "What is past is prologue—Study the past."

A few days later I saw and heard Franklin Delano Roosevelt, President of the United States of America, appear before a hushed session of our National Congress and issue a clarion call for unity and determination among the people of this country until the Japanese Empire and the German Reich are whipped and beaten to complete submission. "December 7th, 1941, will live in history as a day of infamy," he declared.

He had called for 50,000 airplanes per year. Now we will produce 100,000 planes and more per year—millions of tons of bottoms for shipping per year—hundreds of modern warships per year—and we will build multiplied thousands of tanks and trucks and locomotives and guns per year—and we will make, produce and manufacture clothing and food and ammunition and war equipment of all kinds for the use of the millions of men we will train and send to the front, and for the men fighting for our Allies and by our side.

As he stood before our Congress and Senate and the assembled diplomats of other nations and a massed array of microphones, his eyes flashed—his jaw was set—his countenance was resolute and determined. He was absolutely confident. He had complete faith in the outcome. We must have complete unity at home, he said. He called upon men and women of all political faiths, of all religions and all classes to join hands and hearts for the stupendous task ahead.

What I saw and heard gave me confidence and courage. As I sat there in the uniform of my country and looked upon this solemn scene, I suddenly realized that the President, who had become my Commander-in-Chief, if you please, was talking not only to all of the people of this nation, but to all of the peoples of this earth who were listening as he spoke. I went away with faith and with a determination to do my best—to give my all, if necessary. I knew without doubt that in all parts of this land men would leave the plow and leave the shops and leave their offices to join those already in uniform ready to give *their* all, and that those left at home would resolutely determine to follow the lead of the Commander-in-Chief of the greatest Democracy of all times until the battle was won.

I had seen Franklin Delano Roosevelt in a new light and the question arose—who is this man whom an all wise Providence has placed here at this time to guide and to direct our people through the most tragic era of all times, and again I thought of the inscription on the Archives Building—"What is past is prologue—Study the past."

Franklin Delano Roosevelt was a native New Yorker. He was born of aristocratic lineage near the banks of the Hudson River, January 30, 1882. He received the careful and disciplined training and education outlined by parents of culture and wealth and aristocratic lineage. From Groton and Harvard and extensive travel abroad, he received his formal education and his outlook upon life. From *somewhere* he acquired a thorough understanding of men. From *some place* he gained a sincere and lasting conviction that Thomas Jefferson and the Democratic Party were right in declaring human rights paramount in governmental affairs to the wealth and property rights of individuals.

Although his public pronouncement awaited the Atlantic Charter the four freedoms of the individual—freedom of worship—freedom of speech—freedom from want—and freedom from fear—constituted the basis and the groundwork of his political philosophy throughout his public career. They constituted his platform as a youthful member of the legislative assembly of the State of New York; as Governor of the State of New York; and as President of the United States. He was ready at all times to cut across party lines in order to advance these principles and he always had complete faith that in the end these principles would triumph.

Therefore, it was but natural that a despondent and despairing people should elect him to the Presidency in 1932. A strangling depression had gripped the American people and the Nation writhed in torment. Men were jobless, hungry and homeless and the bread lines were growing. Business was tottering. Banks were closing. Taxes were low but men could not earn the money with which to pay them. The faith of the American people in our country's future and in our system of government was severely shaken.

President Roosevelt began his administration with the renowned and immortal declaration, "There is nothing to fear but fear itself." With the enthusiastic acclaim of everyone he used the credit and wealth of the country for what he conceived to be the general welfare of its people. He reopened the banks and placed the props of the government under the financial institutions—insurance companies—and railroads—he started the wheels of industry and he fed the hungry. This was the New Deal he had promised.

Then followed the National Recovery Administration—the Agricultural Adjustment Administration—the National Housing Act and other Acts designed to abolish, as he said, the depotism of "New dynasties carved by economic royalists" which resulted in the collapse of 1929.

During his second administration he saw with a clear vision the danger to the world and particularly to Democratic institutions of the alarming growth of the totalitarian powers. Our people were complacent and satisfied and unaware of the lurking fascist threat and heedless of the hovering war clouds. Yet in 1937, President Roosevelt demanded the quarantine of aggressor nations; he urged repeal of the Neutrality Law which would prevent our ships of mercy from sailing to the shores of friendly countries even though they should be attacked by an aggressor. He urged Benito Mussolini to use his influence to stay the hand of the aggressor. He plead with Adolph Hitler not to start this conflagration.

He knew in his mind and heart that the Nazis and the Fascists, if given an opportunity, would will the destruction of the Democratic

institutions of this land. He knew that his people could not and would not stand idly by during the rape of Poland, the destruction of French Republic and the dismemberment of the British Empire. He warned America to prepare for an emergency and in 1940 he set up a one billion dollar Defense Arms Program and a National Defense Commission.

At a late hour the seriousness of the situation dawned upon the American people and they became alarmed. Again they felt that an unprecedented emergency confronted them and again they called upon this son of wealth and friend of freedom to return to the White House—this time for an unprecedented third term.

President Roosevelt continued to yearn for peace. He continued to hope that his country would not be compelled to send soldiers to the battlefield; yet, by way of preparation, he called our young men to a military training program, and in 1941 he instituted the Lend Lease Program and declared an unlimited national emergency in the hope that he might bolster the Allied Nations to the point where they could win the war without our active participation in the battle lines.

America became the "Arsenal of Democracy" and after the cowardly and treacherous attack upon Pearl Harbor, President Roosevelt became the Commander-in-Chief of an active—a very active—Army and Navy. He became a war leader. He became a world wide figure and to his lasting credit, he courted a personal friendship with the powerful leaders of the Allied Governments. He counseled with them and advised with them and dangerously traveled multiplied thousands of miles to conference tables where he was the dominant figure in mapping and planning the strategy of war and a program of permanent peace.

At home he called to the council tables and placed in high and responsible positions Republicans and Democrats, Conservatives and Liberals, and he worked and toiled and negotiated with the farmer and with industry and with labor to the end that there might be no hesitation in the ever increasing flow of vast quantities of the essential munitions of war to our fighting men and to those of our Allies. The Nation rallied behind him and his calls were answered. A patriotic response came from all classes. Our fighting men were thoroughly trained, and they became the best equipped soldiers the world had known. Our Armies and our Navy and our Merchant Marine and our Marine Corps marched triumphantly forward upon the bastions of the dictators.

Realizing that short sighted and politically selfish men had wrecked the peace plans of the world as offered by the great Woodrow Wilson after World War I, our leader in World War II began his planning for peace far ahead of victory. At Casa Blanca, Teheran, Quebec, Washington, Dumbarton Oaks, Bretton Woods and Yalta he worked and planned for world wide economic stabilization and international peace upon a permanent basis, after our inevitable victory at arms.

Into these conferences he drew outstanding men from our legislative bodies; from our Department of State including men of both political parties with the confident hope and earnest prayer that the result of their work with representatives of other nations would receive the approval of the people of all countries. If he had lived another 36 hours he would have told us over the radio, "The only limit to our realization of tomorrow will be our doubts of today—let us move forward with strong and active faith."

On the afternoon of Thursday, April 12, an all-wise Providence called him to his last reward. The peoples of the world were stunned. Everywhere the heads of freedom loving men and women were bowed in grief and sorrow. They had learned to look upon Franklin Delano Roosevelt as their friend and champion.

Thus the chapter ends. "What is past is prologue—Study the past." We have scanned the past.

In the onrush of time and future events, the work and labors of this great and unusual man will be properly evaluated; but it can be safely predicted even now that the final verdict will find and declare:

(a) That at the time of his death, Franklin Delano Roosevelt had a grip upon the heartstrings of more people on this earth than any man before or during his time.

(b) That among his outstanding characteristics were his ability to meet personal trials without surrender; his unequalled courage in adversity; and his ability to see and face dangers to which most people shut their eyes.

(c) That he had an unfaltering sympathy with the hungers and fears of the common man,

(d) That he was the outstanding exponent of the political principle that in governmental affairs human rights should be supreme over property rights.

(e) That he was our most effective advocate of friendly relations between nations, and that he gained for this Nation and her people the friendship and admiration of more people throughout the world than any other man our country has produced.

(f) That the Nations of the Earth recognized him as one of the pre-eminent world leaders of all times

(g) That as a war leader he was unsurpassed, and that his post-war planning for peace and international goodwill will stand as a monument for all time.

(h) That as a leader in peace and war, he approached both adversity and victory with confidence in himself and his country and with a complete and supreme faith in the future.

Franklin Delano Roosevelt began his administration as President with the words "There is nothing to fear but fear itself." His last written words were an intended message to his co-workers which would have been delivered on last Friday if he had lived, and were as follows: "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith." It is in this spirit and in this faith that he would have us move forward to a swift and complete victory at arms over our aggressors, and to the accomplishment of a lasting peace between the nations of the world.

At the conclusion of the address by Mr. Blalock, the President of the Senate spoke as follows:

Colonel Blalock:

I am sure that I express the united sense of the Senate when I say that we are deeply appreciative of your moving address.

I recall now, thinking of this Nation, divided politically as true democracies always are but firmly united in all efforts to win the war, the words of Thomas Jefferson when he learned of the death of Alexander Hamilton.

Those of you who are familiar with the history of our country are aware that its first great political controversy began with the differences of Thomas Jefferson and Alexander Hamilton. Those differences were very keen and very pronounced. Both, as protagonists of two differing schools of thought, courageously expressed that honest difference in the field of politics. But when Thomas Jefferson was informed of the departure of his great antagonist into God's eternal future, he said, "At the grave of a true American such as Alexander Hamilton, political differences cease and personal admiration prevails."

We feel today therefore that we Democrats who emulate Thomas Jefferson as the artificer and finisher of our political faith, can re-

peat with sincerity, what he had to say of his late antagonist and compatriot, Alexander Hamilton.

Mr. Blalock, we thank you.

On invitation of the President of the Senate, the Reverend J. E. Chester, Chaplain of the Senate, offered prayer as follows:

Almighty and everlasting God, the Governor and Ruler of the destinies of men and nations, we thank Thee for good men, whatever their lot or position in life may be, whether they serve in high or lowly stations. Especially do we thank Thee for the useful life of the late President of these States, Franklin Delano Roosevelt, for his supremacy of intellect, his noble statesmanship of many years, his eloquence of reason and heart, for his love of Country and its people, for his greatness combined of genius, of character, of manner and place, who was just among us, and is not, and yet will live in the hearts of a grateful people for generations to come.

We commit into Thy hands and keeping the bereaved family.

We likewise implore Thee to regard the new head of our Government, President Harry S. Truman, that he, guided by Thy Holy Spirit, may be sure in counsel, unwavering in duty, high in purpose, and so administer his solemn charge as will wholly serve Thy will, uphold the honor of our nation, and make for the care and sure protection of our people, and bring victory to our righteous cause; through Jesus Christ, Thy Son, our Lord.—Amen.

On motion of Senator Aikin, a vote of thanks was extended to Senators Mauritz, Moffett, and Winfield and the Honorable T. H. McGregor for their assistance to him in drafting the resolution (S. R. No. 61).

On motions of Senators Spears and Winfield, and by unanimous consent, the address of Mr. Blalock, the remarks of the President of the Senate, and the prayer by the Chaplain were ordered printed in the Journal.

**FIFTY-NINTH DAY**

(Tuesday, April 17, 1945)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

**Leaves of Absence Granted**

Senators Kelley and York were granted leaves of absence for today on account of important business on motion of Senator Bullock.

**Report of Standing Committees**

Senator Stone submitted the following report:

Austin, Texas,  
April 17, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred H. B. No. 558, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

**Caucus Report**

Senator Shivers submitted the following report, previously agreed to by the members of the Senate in the caucus:

Austin, Texas,  
April 17, 1945.

Hon. John Lee Smith,  
Lieutenant Governor,  
President of the Senate,  
Austin, Texas.

Sir: At a caucus held in the office of the Senate attended by 29 members of the Senate, the following recommendation was made, to-wit:

To be Secretary of the Senate of the Forty-ninth Legislature: Noel K. Brown.

Respectfully submitted,  
ALLAN SHIVERS,  
Chairman of the Caucus.

The report was read and was adopted.

**Report of Committee to Select Poet Laureate**

Senator Hazlewood submitted the following report:

Austin, Texas,  
April 10, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House.

Sirs: In accordance with the provisions of S. C. R. No. 6, a Committee was appointed to name and designate some outstanding and recognized poet who is a citizen of Texas and who shall be Poet Laureate of the State of Texas for a period of two years from such appointment and designation; said Committee has held a meeting with the Governor as provided in said resolution, and after careful consideration of all persons nominated for this position, the Committee selected David Russell, of Dallas, Texas.

Respectfully submitted,

HAZLEWOOD  
RAMSEY  
PARRISH

On the part of the Senate,

CHAMBERS  
DEAN  
SMITH

On the part of the House.

Approved:  
April 12, 1945.

COKE R. STEVENSON,  
Governor.

The report was read and was ordered printed in the Journal.